

Sixth Appellate District

San Jose, California

MONDAY, MAY 10, 2004

H026456 PEOPLE v. HUDLEY

The judgment is modified to reduce the restitution fine to the statutory minimum of \$200. The trial court shall correct the abstract of judgment to reflect this modification and forward a copy of the amended abstract to the Department of Corrections. As so modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 10, 2004

H026180 PEOPLE v. ROMERO

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 10, 2004

H025752 PEOPLE v. MCDONOUGH, SR.

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 10, 2004

H024362 PEOPLE v. PRECIADO, et al.

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 10, 2004

TUESDAY, MAY 11, 2004

H025977 EUSSE-GIL v. DEPARTMENT OF MOTOR VEHICLES

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 11, 2004

H026518 In re TIFFANY G.; D.F.C.S. v. CONNIE V.

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 11, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H026090 In re GABRIEL M.; D.F.C.S. v. TRACY J.

Appellant Tracy Jaquias appeared In Propria Persona and Susan Ware, Deputy County Counsel, appeared for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, May 11, 2004 (continued)

H025584 PEOPLE v. SENECA INSURANCE COMPANY

Alan E. Nunez appeared for Appellant and Harrison D. Taylor, Deputy County Counsel, appeared for Respondent. Cause ordered submitted.

H025213 LE FRANCOIS, et al. v. GOEL, et al.

Cause called and argued by Helen W. Williams appearing for Appellants and by Philip McCowan appearing for Respondents. Cause ordered submitted.

H026142 HOLIDAY MATINEE, INC. v. RAMBUS, INC.

Cause called and argued by Robert Green appearing for Appellant and by Maura L. Rees appearing for Respondent. Cause ordered submitted.

H025433 KAPCZYNSKI v. CORMIER

Cause called and argued by Russell J. Hanlon appearing for Appellant and by Francine R. Tone appearing for Respondent. Cause ordered submitted. Court adjourns.

H025075 PEOPLE v. PATTERSON

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed May 11, 2004

WEDNESDAY, MAY 12, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Jane Valdez Flor, Deputy Clerk.

H024538 PEOPLE v. TOLDEN

Cause called and argued by Victoria H. Stafford appearing for Appellant and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025886 PEOPLE v. RUIZ

Cause called and argued by Alexandra D'Italia appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, May 12, 2004 (continued)

H025628 PEOPLE v. SMITH

Cause called and argued by Peter F. Goldscheider appearing for Appellant and by William Kuimelis, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025571 DEL CHARRO PROPERTIES, et al. v. HERON, as Personal Representative, etc., et al.

Cause called and argued by Bruce H. Munro appearing for Appellants and by Jeffrey Bruce Kirschenbaum appearing for Respondents. Cause ordered submitted. Court is adjourned.

H026327 PEOPLE v. ISLAS

H026995 ISLAS on Habeas Corpus.

The judgment is affirmed. The petition for a writ of habeas corpus is denied. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 12, 2004

H026686 PEOPLE v. LICATA

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 12, 2004

H026234 In re ANGELIC C., et al.; DFCS v. MONIQUE H.

The orders appealed from are affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 12, 2004

H022727 PEOPLE v. DOMINGUEZ

The judgment is affirmed with respect to count 3 (rape).

The judgment is reversed with respect to counts 1 (murder) and 2 (kidnapping for rape). Retrial is barred on count 2. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 12, 2004

THURSDAY, MAY 13, 2004

H026398 PEOPLE v. LAI

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 13, 2004

Sixth Appellate District

San Jose, California

Thursday, May 13, 2004 (continued)

H025805 HADDAD, et al. v. CITY COUNCIL OF MONTEREY

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 13, 2004

IN THE MATTER OF THE SELECTION OF AN ASSOCIATE JUSTICE TO ACT AS
PRESIDING JUSTICE

BY THE COURT

Pursuant to the provisions of Article VI, Section 3 of the Constitution of the State of California and California Rules of Court, rule 75, I hereby select Associate Justice Eugene M. Premo as Acting Presiding Justice to perform all of the functions of Presiding Justice of the Sixth Appellate District when I am absent or unable to act, and in the event we are both absent or unable to act, I hereby select Associate Justice Franklin D. Elia as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Patricia Bamattre-Manoukian as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Nathan D. Mihara as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Richard J. McAdams as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District.

Dated May 13, 2004

Rushing, P.J.

H025576 PEOPLE v. MOLOTLA

The denial of the motion to vacate the 1992 guilty plea is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 13, 2004

Sixth Appellate District

San Jose, California

Thursday, May 13, 2004 (continued)

H026163 PEOPLE v. REYNA G.

The denial of disclosure of juvenile court records is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 13, 2004

H026330 COUNTY OF SANTA CRUZ v. MCCANN

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 13, 2004

*Before Rushing, P.J., Premo, J. and Elia, J.

H026503 PEOPLE v. CRUZ

The judgment is reversed and the matter is remanded for a new sentencing hearing. At that hearing the court shall impose a \$10 fine pursuant to section 1202.5 and all related penalty assessments, and may impose an order to pay attorney fees if it determines that defendant has the present ability to pay. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed May 13, 2004

H025609 PEOPLE v. SUAREZ

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 13, 2004

H025998 PEOPLE v. LOPEZ

The judgment is modified to stay the *concurrent* 135-day jail term for time spent on the violation of section 417 (count 3). As modified, the judgment is affirmed. The clerk of the superior court is directed to amend the abstract of judgment to reflect this modification. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 13, 2004

H025526 CORTINAS on Habeas Corpus

The trial court's July 3, 2002 order granting defendant's release is reversed. The trial court is directed to enter a new and different order denying defendant's petition for a writ of habeas corpus. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 13, 2004

Sixth Appellate District

San Jose, California

Thursday, May 13, 2004 (continued)

H026230 PEOPLE v. WEST

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed May 13, 2004

H025503 PEOPLE v. CHAVARRIA, JR.

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed May 13, 2004

FRIDAY, MAY 14, 2004

H026223 NAVA, JR., et al. v. MERCURY CASUALTY COMPANY

By the Court:

The opinion which was filed on April 20, 2004 is certified for publication. (Premo, J.; Rushing, P.J., Elia, J.) The written opinion which was filed on April 20, 2004 has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that the opinion be published in the official reports.

Dated: May 14, 2004 Rushing, P.J.

H025472 PEOPLE v. ZARAZUA

By the Court*:

Respondent's petition for rehearing is denied.

Filed: May 14, 2004

*Before Rushing, P.J., Premo, J. and Elia, J.

H024924 JACOBS v. LAWLER, et al.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 14, 2004

*Before Rushing, P.J., Premo, J. and Elia, J.

H026258 PEOPLE v. HERNANDEZ

The judgment is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed May 14, 2004

Sixth Appellate District

San Jose, California

Friday, May 14, 2004 (continued)

H026529 In re ALEXANDER M.; DFCS v. REGINA R.

The order appeals from is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed May 14, 2004

H025980 PEOPLE v. GOMEZ

(Filed order modifying opinion.) This modification does not
affect the judgment. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed May 14, 2004

H025893 CASTRO v. CACERES

By the Court*:

Appellant's petition for rehearing is denied.
Filed: May 14, 2004

*Before Rushing, P.J., Premo, J. and Elia, J.